

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MARKET AMERICA, INC., )  
                                  )  
                                  )  
Plaintiff,                 )  
                                  )  
                                  )  
vs.                            ) Civil Action No. 1:09-cv-00494-GMS  
                                  )  
                                  )  
GOOGLE INC. and             )  
LTECH CONSULTING, LLC,     )  
                                  )  
                                  )  
Defendants.                 )

**DEFENDANT GOOGLE INC'S MOTION TO DISMISS  
COUNTS I, II, AND III OF THE AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Google Inc. moves to dismiss Counts I, II, and III of the Amended Complaint with prejudice for the reasons set forth in the accompanying Opening Brief in Support of its Motion to Dismiss.

Respectfully Submitted,

*/s/ Maria L. Panichelli*

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Dated: October 19, 2009

*Attorneys for Defendant Google Inc.*

**CERTIFICATE OF SERVICE**

I, Maria L. Panichelli, hereby certify that on October 19, 2009 a true and correct copy of Defendant Google Inc.'s Motion to Dismiss Counts I, II, and III of the Amended Complaint was filed with the Clerk of Court using CM/ECF, which will send notification to the following counsel of record:

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